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I hereby certify that this paper, and all documents indicated therein as being attached are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Issue Fee, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen M. Forsyth



αPATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : James J. Franzen, et al.

TITLE : APPARATUS AND METHOD FOR  
CHARACTERIZING THE TONER  
CONCENTRATION IN A  
DEVELOPER OF A PRINTING  
DEVICE

APPLICATION NO. : 09/940,058

FILED : August 27, 2001

CONFIRMATION NO. : 4406

EXAMINER : Gordon J. Stock, Jr.

ART UNIT : 2877

ALLOWED : January 20, 2004

ATTORNEY DOCKET NO. : D/A0A72  
XERZ 2 00423

**RESPONSE TO STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Mail Stop Issue Fee**

Dear Sir:

Applicants gratefully acknowledge the indication as to the allowance of the present application.

Applicants do, however, not acquiesce to the reasons set out in the Statements of Reasons for Allowance. Particularly, the Examiner has indicated that the claims are allowed by importing an interpretation into the claims in relation to the prior art that may place an unwarranted limiting interpretation upon the claims. Such

a characterization of the claims in view of the prior art would not properly take into account the applicants' claimed invention as reflected in the specification. Further, while applicants believe that the claims are allowable, applicants do not acquiesce that patentability resides only in the features, exactly as expressed in the claims, nor that each feature of the claims is required for patentability.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

March 3, 2004  
Date

  
\_\_\_\_\_  
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(216) 861-5582

03-04-04

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CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10

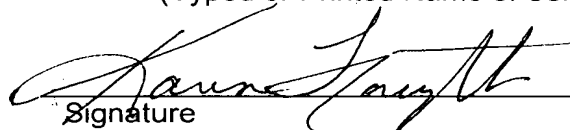
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I hereby certify that the attached Fee(s) Transmittal Form, Issue Fee, Publication Fee, Formal Drawings, Response to Statement of Reasons for Allowance and "Fee Address" Indication Form are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen M. Forsyth

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